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09/558,372	04/26/2000	Dimitri Kanevsky	YOR000049US1	9516

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EXAMINER

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ART UNIT	PAPER NUMBER
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2616

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/558,372  
Filing Date: April 26, 2000  
Appellant(s): KANEVSKY ET AL.

\_\_\_\_\_  
Kevin M. Mason (Reg. No. 36,597)  
For Appellant

**EXAMINER'S ANSWER**

**MAILED**  
JUL 27 2006  
**GROUP 2600**

This is in response to the appeal brief filed May 9, 2006 appealing from the Office action mailed August 3, 2005.

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**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,311,042	DeSchrijver	10-2001
5,917,835	Barrett et al.	06-1999
6,154,879	Pare, Jr. et al.	11-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by DeSchrijver (US 6,311,042).

Regarding claims 1 and 3, DeSchrijver discloses a method for transmitting biometric image data in a network (abstract; figure 3; col. 3, lines 1-3; col. 4, lines 24-26), comprising the steps of obtaining biometric information for a user (figure 1), obtaining several biometric portions from the biometric data (col. 4, lines 20-24), and transmitting the biometric portions to a destination using plural packets (col. 4, lines 61-64; col. 6, lines 8-13).

Regarding claim 2, the user is provided access to a requested service (col. 2, lines 40-46) if the biometric portions match corresponding biometric prototype portions (col. 6, lines 13-25).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare, Jr. et al. (US 6,154,879) in view of Barrett (US 5,917,835).

Regarding claim 1, Pare discloses a method for transmitting biometric data in a network (fig. 1), comprising the steps of obtaining biometric information for a user (fig. 3, item 12) that verifies the user (col. 9, lines 25-29) and transmits biometric information to a destination using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33).

However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a method of transmitting biometric data in a network (figure 1; col. 2, lines 5-14) comprising obtaining biometric information for a user (figure 2, item 18), obtaining plural biometric portions from the biometric information (figure 3 and figure 4, items 62) and transmitting the biometric portions to a destination using several data packets (items 68 and 70; col. 6, lines 45-50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of

Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Regarding claim 4, in Pare, the biometric information is speech segments (col. 5, line 23).

Regarding claim 5-6, Pare discloses a method for receiving at least one packet of biometric data in a network (fig. 1). The biometric data is used to identify or verify a user (col. 9, lines 25-29).

However, Pare does not disclose receiving several packets containing biometric portions. Barrett discloses a method for receiving biometric data in a network (figure 1; col. 2, lines 5-14) comprising the steps of receiving packets containing biometric portions corresponding to a user (figure 10, step 122; note: the user is one who left a voicemail message -- figure 3, item 18 and col. 2, lines 11-12), determining if the received packets provide sufficient data for processing (figure 10, step 130, NO), and evaluating the received packets if they provide sufficient data for processing (figure 10, step 134). The received data packets are interchanged from original packets (figure 4, items 60 and 64, and items 68 and 70) and the received packets are integrated to generate original packets (items 72, 60 and 64). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Regarding claims 7-9, 17, 19, 22 and 24, Pare discloses a method for transmitting biometric data in a network (fig. 1), comprising the steps of obtaining biometric information for a user (fig. 3, item 12) that verifies the user (col. 9, lines 25-29) and transmits biometric information to a destination using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33).

However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system (figure 1, item 12) that includes a memory for storing computer-readable code and a processor for executing the computer-readable code (col. 4, lines 45-48). The computer-readable code (col. 5, lines 49-54) is configured to obtain two packets containing frames of data (figure 4, items 60 and 64), generate N interchanged packets by placing every Nth frame of data in a given interchanged packet (figure 4, items 68 and 70; col. 6, lines 45-50 and 55-61) and transmit the interchanged packets to a destination (item 72). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Regarding claim 10, in Pare, the data includes telephone data (col. 8, lines 53-54).

Regarding claim 11, the limitations of this claim have been addressed in the rejection of claims 5 and 6 above.

Regarding claims 12-14, Pare discloses a method for transmitting biometric data in a network (fig. 1), comprising the steps of obtaining biometric voice information for a user (fig. 3, item 12; col. 5, line 23) that verifies the user (col. 9, lines 25-29) and transmits biometric information to a destination using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33).

However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a method for transmitting data to a destination in a packet network (figure 1) comprising the steps of obtaining frames of data for transmission (figure 4, items 60 and 64), generating N interchanged packets by placing every Nth frame of data in a given interchanged packet (figure 4, items 68 and 70; col. 6, lines 45-50 and 55-61), and transmitting the interchanged packets to a destination (figure 4, item 72), where the transmitted data

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includes biometric data such as voice (col. 2, lines 5-14). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Regarding claims 15 and 20, Pare discloses a system for transmitting biometric data in a network (fig. 1) that verifies the user (col. 9, lines 25-29) using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33).

However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system of transmitting biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 45-48). The computer-readable code (col. 5, lines 49-54) is configured to obtain biometric information for a user (figure 2, item 18), obtain plural biometric portions from the biometric information (figure 3 and figure 4, items 62) and transmit the biometric portions to a destination using several data packets (items 68 and 70; col. 6, lines 45-50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Regarding claims 16 and 21, Pare discloses a system for transmitting biometric data in a network (fig. 1) that verifies the user (col. 9, lines 25-29) using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33).

However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system of receiving biometric data in a



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network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 66-67). The computer-readable code (col. 5, lines 49-54) is configured to receive packets containing biometric portions corresponding to a user (figure 10, step 122; note: the user is one who left a voicemail message -- figure 2, item 18 and col. 2, lines 11-12), determine if the received packets provide sufficient data for processing (figure 10, step 130, NO), and evaluate the received packets if they provide sufficient data for processing (figure 10, step 134). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Regarding claims 18 and 23, Pare discloses a system for transmitting biometric data in a network (fig. 1) that verifies the user (col. 9, lines 25-29) using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33).

However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system of receiving biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 66-67). The computer-readable code (col. 5, lines 49-54) is configured receive data packets that are interchanged from original packets (figure 4, items 60 and 64, and items 68 and 70; figure 10, step 122), integrate the received packets to generate original packets (items 72, 60 and 64), determine if the received packets provide sufficient data for processing (figure 10, step 130, NO), and process the received packets if they provide sufficient data for processing (figure 10, step 134). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric

portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

**(10) Response to Argument**

Applicant argued that DeSchrijver does not disclose biometric portions. However, Examiner disagrees. In the specification of the instant application (page 14, lines 4-5 and 12-13) and in the specification of the parent application (page 3, 2<sup>nd</sup> paragraph, last three lines and 3<sup>rd</sup> paragraph, lines 1-6), biometric portions are defined to be a portion of user biometric data, including handwriting characteristics and voice characteristics. It is clear from DeSchrijver (fig. 1) that a signature represents user biometric data (col. 4, lines 13-26; fig. 4, steps 92-98). In rejecting claim 1, Examiner equated applicant's biometric portions with data packets used to transmit the data signals of a signature (col. 6, lines 8-13), where each data packet contains only portion of the data signals (col. 4, lines 61-64). Each data packet is a biometric portion, and all respective data packets represent a signature to verify the user in Deschrijver (col. 6, lines 19-25).

Applicant argued that Barrett does not disclose biometric portions. However, Examiner disagrees. Using the above definition of biometric portions and biometric data in the instant application and the parent application, Barrett discloses biometric data as voice data (col. 1, lines 35-42; col. 2, lines 11-12 -- voice mail). The voice data of Barrett is transmitted in several packets (col. 6, lines 35-38 and 45-50; figs. 3-4), thus each packet is a biometric portion of the voice data.

Examiner believes the combination of Pare in view of Barrett was properly used to reject the claims. In the Pare reference, biometric information is voice characteristics (col. 1, lines 59-60; col.

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5, lines 22-23) used to verify a user (figs. 1 and 3; col. 9, lines 25-29). However, Pare does not specifically disclose transmitting biometric portions. Barrett discloses transmitting biometric portions as noted above. The motivation of the combination is to mitigate the loss of voice data in Pare (Barrett, col. 1, lines 29-33; col. 2, lines 5-8). Therefore, the combination of Pare in view of Barrett suggests transmitting biometric portions that are used for verification.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

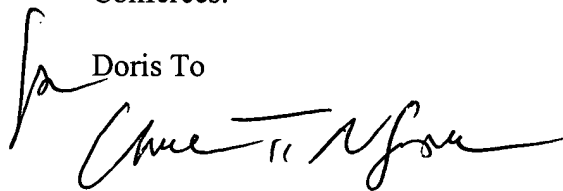
Respectfully submitted,

Kevin C. Harper



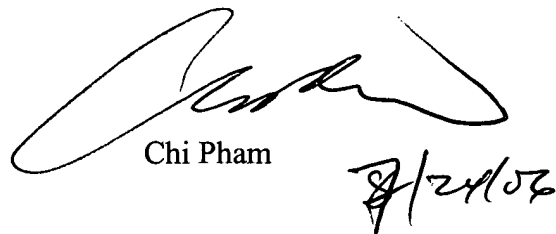
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8/24/06